



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 9, 2008
AGENDA DATE: July 16, 2008
PROJECT ADDRESS: 113-117 W. De la Guerra Street (MST2005-00126)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

The proposal is a request for a three-year extension of the expiration date of the Tentative Subdivision Map approved by the Planning Commission on October 19, 2006. The project approved by the Planning Commission consists of the demolition of the existing buildings onsite (except for the front façade of 115 W. De la Guerra Street) and the construction of a mixed-use building, composed of a 2,027 square foot (net) commercial condominium unit and nine residential condominium units. The proposed mix of units consists of six (6) two-bedroom market rate units, one (1) three-bedroom market rate unit, one (1) two-bedroom moderate income affordable unit and one (1) three-bedroom moderate income affordable unit. Six of the nine residential units would have 120 square feet of attached commercial space. The project includes two additional residential units pursuant to State Density Bonus law. A parking garage with twenty parking spaces is proposed on the first floor.

The discretionary applications approved for the project by the Planning Commission were:

1. A Modification of the lot area requirement to allow one of the moderate income affordable units (Unit #6) and one of the market rate units (Unit #9) to have three bedrooms instead of two bedrooms (SBMC§28.21.080.G); and
2. A Tentative Subdivision Map for a one-lot subdivision to create nine residential condominium units and one commercial condominium unit (SBMC Chapters 27.07 and 27.13).

II. DISCUSSION

According to SBMC§27.07.110, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map approval not to exceed an aggregate of three (3) years beyond the expiration of the original twenty-four (24) month period. In granting the extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

The applicant has requested a three-year extension for the following reason: in order to allow the housing market to recover from the recent decline prior to moving forward with the development of the project.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 for the extension of time limits on an approved project where circumstances have not changed.

III. RECOMMENDATION/FINDINGS

Staff does not recommend any new or revised conditions of approval. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Staff Hearing Officer approve the three-year time extension, to October 19, 2011, for the Tentative Subdivision Map, subject to the original conditions of approval included in Exhibit C.

Exhibits:

- A. Applicant's letter, dated June 11, 2008
- B. Planning Commission Staff Report for October 19, 2006 (w/o exhibits)
- C. Planning Commission Resolution No. 043-06.



PEIKERT GROUP ARCHITECTS, LLP

RECEIVED
JUN 11 2008

CITY OF SANTA BARBARA
PLANNING DIVISION

June 11, 2008

Paul Casey
Community Development Department
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

SUBJECT: 113-117 W. DE LA GUERRA STREET, MST 2005-00126

Dear Mr. Casey:

On October 12, 2006 the Planning Commission approved a mixed use project on the above referenced site. The project included the demolition of existing commercial space to construct approximately 2,030 square feet of commercial space and nine residential units (7 market rate and 2 affordable). A (tentative) single lot subdivision with 1 commercial condominium and 9 residential condominiums was approved with the development application.

According to the City's Subdivision regulations, the Planning Commission's action approving the Tentative Map is set to expire on October 12, 2008. The applicant is requesting that the Planning Commission grant a three year extension of the tentative subdivision map. The applicant is seeking the extension in order to allow the housing market to recover from the recent decline prior to moving forward with the development of the project.

Please let me know if you have any questions about this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Plowman', with a long, sweeping horizontal line extending to the right.

Lisa Plowman,
Planning Manager

CC: Mr. John DeWilde



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 12, 2006
AGENDA DATE: October 19, 2006
PROJECT ADDRESS: 113-117 W. De la Guerra Street (MST2005-00126)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Kathleen Kennedy, Associate Planner

I. PROJECT DESCRIPTION

The proposed project consists of the demolition of the existing buildings onsite (except for the front façade of 115 W. De la Guerra Street) and the construction of a three and four story, mixed-use building, comprised of a 2,027 square foot (net) commercial condominium unit and nine residential condominium units. The proposed mix of units consists of six (6) two-bedroom market rate units, one (1) three-bedroom market rate unit, one (1) two-bedroom moderate income affordable unit and one (1) three-bedroom moderate income affordable unit. Six of the nine residential units would have 120 square feet of attached commercial space. The project includes a request for two additional residential units and additional incentives pursuant to State Density Bonus law. A parking garage with twenty parking spaces is proposed on the first floor.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification of the lot area requirement to allow one of the moderate income affordable units (Unit #6) and one of the market rate units (Unit #9) to have three bedrooms instead of two bedrooms (SBMC§28.21.080.G); and
2. A Tentative Subdivision Map for a one-lot subdivision to create nine residential condominium units and one commercial condominium unit (SBMC Chapters 27.07 and 27.13).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VIII of this report, and subject to the conditions of approval in Exhibit A.

DATE APPLICATION ACCEPTED: September 11, 2006

DATE ACTION REQUIRED PER MAP ACT: November 30, 2006



Vicinity Map for 113-117 W. De la Guerra Street

IV. SITE INFORMATION AND PROJECT STATISTICS

SITE INFORMATION

Applicant: Peikert Group Architects	Property Owner: John R. DeWilde
APN: 037-082-003	Lot Area: 16,325 square feet (0.37 acres)
General Plan: General Commerce & Residential, 12 units/acre	Zoning: C-2, Commercial
Existing Use: Commercial	Topography: Relatively flat
Adjacent Land Uses:	
North – Commercial	East – Mixed-use
South – Commercial	West – Mixed-use

PROJECT STATISTICS -

Residential	Bedrooms	Size (Net)	Commercial (attached)	Parking	Private Outdoor Living Spaces
Unit 1	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.
Unit 2	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.
Unit 3	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.

Unit 4	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.
Unit 5	2	1,132 sq. ft.	n/a	1 space	142 sq. ft.
Unit 6	3	1,296 sq. ft.	n/a	1 space	142 sq. ft.
Unit 7	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.
Unit 8	2	1,521 sq. ft.	120 sq. ft.	1 space	182 sq. ft.
Unit 9	3	2,070 sq. ft.	n/a	2-car garage	722 sq. ft.

Non-residential	Size (net)
First Floor Commercial Unit	2,027 square feet
Commercial spaces attached to 6 residential units	6 x 120 = 720 square feet
Garage (with trash, storage, etc.)	9,790 square feet

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/Allowance	Existing	Proposed
Lot Area Required for Each Unit (Variable Density)	2-Bdrm = 2,320 sq. ft. 3-Bdrm = 2,800 sq. ft. (7) 2,320 = 16,240 sq. ft. (2) 2,800 = 5,600 sq. ft. Total 21,840sq. ft.	16,325 square feet	16,325 square feet (Lot Area Modification requested)
Setbacks -Front -Interior -Rear	None None None	0 feet varies approx. 15 feet	0 feet 0 to 7.25 feet 10 feet
Building Height	60 feet (4 stories)	varies (1 story)	48'-6" (3-4 stories)
Parking	Residential: 9 spaces Commercial: 5 spaces	N/A N/A	Residential: 10 spaces Commercial: 10 spaces
Open Yard	10% of the lot (1,633 sq. ft.)	N/A	17.5% (2,885 sq. ft.) with additional 3,859 sq. ft. on second floor
Private Outdoor Living Space	2-Bd Units = 84 sq. ft. 3-Bd Units = 96 sq. ft.	N/A	Each unit has more than 96 square feet.
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	7,212 sq. ft. (44 %) 9,113 sq. ft. (56 %) 0 sq. ft. (0 %) 16,325 sq. ft. (100%)	12,950 sq. ft. (79 %) 1,716 sq. ft. (11 %) 1,659 sq. ft. (10 %) 16,325 sq. ft. (100%)

A. PARKING

The property is located within the Central Business District (CBD), which has a requirement of one parking space per 500 square feet of nonresidential square footage. The site is also located in a 10% Zone of Benefit, which means that only 90% of the required nonresidential parking must be provided. The residential parking requirement in the CBD is one covered space per residential unit and no guest parking. Therefore, the project requires five parking spaces for the

proposed 2,747 square feet of commercial use ($2,747/500 = 5.49$ spaces $\times 90\% = 4.9$) and nine spaces for the nine residential units, for a total of fourteen spaces. The project proposes 20 parking spaces (10 residential, 6 commercial and 4 shared), six more than are required by the Zoning Ordinance. Staff is supportive of the additional parking spaces provided for the development, as it is anticipated that the owner's of the residential units may have more than one car.

B. Modifications

Lot Area Modification: Variable density is allowed in the C-2 (Commercial) Zone District. Based on the existing lot area of 16,325 square feet, a maximum of seven (7) two-bedroom units would be allowed; however, the proposed project, with nine residential units, includes two moderate-income affordable units requested under California State Bonus Density Law (see Exhibit E for summary). The proposal also includes a request for the following two incentives: to allow one of the moderate-income affordable units (Unit #6) and one of the market rate units (Unit #9) to have three bedrooms instead of two bedrooms. The two incentives can be approved through an approval of a lot area modification. Staff believes that the requested state bonus density incentives are necessary to make the affordable housing units financially feasible and are reasonable incentives to request under the state law.

VI. ENVIRONMENTAL REVIEW

Archaeological Resources: The City's cultural sensitivity maps indicate that this site is located in the Spanish Colonial/Mexican Period, 1850-1870; the Hispanic-American Transition Period, 1850-1870; the American Period 1870-1900; and the Early 20th Century, 1900-1920 cultural sensitivity zones. A Phase 1 Archaeological Resources Report prepared by Stone Archaeological Consulting, dated May 2006, assessed any potential impacts to archaeological resources. The report was accepted by the Historic Landmarks Commission on June 28, 2006. The Phase I Archaeological Report concludes that the proposed project would not have the potential to result in significant impacts on either prehistoric or historic archaeological resources. The report recommends that, after removal of all structures and pavement, a City-qualified archeologist conduct an inspection of the site to confirm the likely absence of any archaeological resources. This recommendation is a component of the applicant's project description and has been included in the conditions of approval.

Historic Resources: A Phase 1 Historic Structures/ Sites Report was required for the proposed project because the existing buildings onsite are over 50 years old and because the 113-115 W. De la Guerra Street building is on the City's Potential Historic Structures list. A Phase 1 Historic Structures/ Sites Report, dated March 2005, was prepared by Alexandra C. Cole and was accepted by the Historic Landmarks Commission on March 16, 2005. The report concludes that the 113-115 W. De la Guerra St. building is considered an historic resource according to CEQA standards.

The proposed project will retain the original elements of the existing north façade, including the brick arches, wooden rafter-tails, tile roof and stucco chimney tops, and in order to support the existing tile roof, the first 17'-2" of the wall on both the east and west elevation. The remaining portion of the structure would be demolished. The Phase 1 Historic Structures/ Sites

Report states that because the building is eligible as a Structure of Merit, it shall be required to be documented according to the City's "Required Documentation of Buildings Prior to Demolition", and that with this requirement, the partial demolition of the structure would not be considered a significant impact. This requirement has been added to the conditions of approval.

The report further concludes that the 117 W. De la Guerra Street building is not considered an historic resource according to CEQA standards; therefore, its demolition would not constitute a potential significant impact.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15332 (in-fill development) as discussed below.

In-fill Development Project: CEQA Guidelines Section 15332 is an exemption that consists of projects characterized as in-fill development meeting the conditions described below.

1. *The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation regulations.* The General Plan designation for this area is General Commerce. The proposed use is consistent with the site's land use designation, as it would provide commercial space as well as residential units. With the approval of the requested Modifications, required as incentives for affordable housing under State Bonus Density Law, Staff concludes that the project is consistent with the General Plan Land Use Designation, Zoning designation, and applicable policies and regulations.
2. *The proposed development occurs within city limits on a project of no more than five acres substantially surrounded by urban uses.* This project site is 16,325 square foot (0.37 acre) lot located within the City of Santa Barbara. The surrounding area is developed with a mix of commercial, office and residential uses. The site is surrounded by urban uses in all directions.
3. *The project site has no value as habitat for endangered, rare or threatened species.* The site has been previously disturbed and has no value as habitat for endangered, rare or threatened species.
4. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic: The vehicle trip generation of the proposed land use will not result in significant traffic impacts based on the net change in trips from the existing land use, which has a much higher trip generation than the proposed mixed-use project.

Noise: Pursuant to the City's Noise Element, required private outdoor living spaces for the residential units must not be exposed to noise levels in excess of 60 dBA Ldn and maximum interior noise levels shall not exceed 45 dBA Ldn. The City's Master Environmental Assessment indicates that the project site is located in an area with a noise level of less than 60 dBA Ldn; therefore, a noise

study was not required. Standard construction techniques are likely sufficient to meet the required interior noise level.

Air Quality: Long-term project emissions primarily stem from stationary sources which may require permits from the APCD and from motor vehicles associated with the project. In this case, the proposed project does not contain any stationary sources (gas stations, auto body shops, dry cleaners, oil and gas production and processing facilities, and water treatment facilities) which require permits from APCD. In addition, the project would not result in significant air quality impacts from ozone precursors due to mobile emissions. Because the project would generate fewer vehicular trips than the existing land use on the site, it is expected there would be less than significant air quality impacts from mobile source emissions.

Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM10). Substantial dust-related impacts may be potentially significant, but are generally considered mitigable with the application of standard dust control mitigation measures. Standard dust mitigation measures are applied to projects with either significant or less than significant effects and have been added to the conditions of approval for the proposed project.

Water Quality: The entire site is completely covered by paving and buildings and runoff currently sheet flows toward De la Guerra Street. The proposed project would likely result in an improvement over the existing condition. The proposed project would provide landscaped areas to capture surface runoff and would also be subject to the City's Storm Water Management Program; therefore, the proposed project would not be expected to cause significant impacts to water quality.

According to the Santa Barbara County Fire Department, approximately 18 cubic yards of contaminated soil was allowed to be left in place under the eastern portion of one of the buildings when the site was closed on June 27, 2000. Now that development of the site is planned, the County Fire Department recommends remediation of the soil once the buildings are removed. When the remediation is completed, the County Fire Department would allow unrestricted use of the property. A condition of approval has been included that requires the applicant to submit written confirmation from the Santa Barbara County Fire Department, Protective Services Division, that the remediation is complete, prior to the issuance of building permits for the new structure.

5. *The site can be adequately served by all required utilities and public services.* All utilities are existing and available at the site and can be extended to the development. The proposed project would result in an insignificant increase in demand for public services, including police, fire protection, electrical power, natural gas and water distribution and treatment.

VII. ISSUES

A. DESIGN REVIEW

The Historic Landmarks Commission (HLC) reviewed the project on two occasions (see Exhibit D – Minutes). The Commission appreciated that the historic façade of the 115 W. De la Guerra Street structure was to be preserved, was in general support of the site plan and landscaping and found the size, bulk and scale of the project acceptable.

B. COMPLIANCE WITH THE GENERAL PLAN

Before a condominium project and a tentative subdivision map can be approved, they must be found consistent with the City's General Plan. The project site is located in the West Downtown neighborhood, which is more intensely used than other parts of the City, and high-density residential and commercial development is envisioned in this area.

1. Land Use Element

The subject site has a General Plan designation of General Commerce. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which allow 12 dwelling units to the acre. The General Plan Land Use and Housing Elements recognize, however, that in zones where variable density standards apply, development may exceed the limit of twelve units per acre without causing an inappropriate increase in the intensity of activities. The proposed project would result in a density of approximately 22 units per acre, which, based on the above discussion, would be consistent with the Land Use and Housing Elements of the General Plan.

2. Housing Element

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with two and three bedroom units and affordable units, would satisfy that goal.

Neighborhood Compatibility

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood.

The surrounding neighborhood is comprised of a mix of office, residential and commercial buildings, with a wide range of heights. This area of the City is currently in transition, as evidenced by the recently approved mixed-use projects along Chapala Street, and by other pending projects in the vicinity. The project site is located between two recently approved projects. One new mixed-use development is on the corner of Chapala Street and De la Guerra Street and is currently under construction. Construction of the other mixed-use development, at 121 W. De la Guerra Street, has not yet begun.

In addition, one of the goals of the Urban Design Guidelines is compatibility of new development with the character of the City, the surrounding neighborhood, and adjacent properties. The HLC considers the Urban Design Guidelines in reviewing development proposals. As discussed above, the HLC is supportive of the site plan, and the size, bulk and scale of the project.

3. **Circulation Element**

The Circulation Element contains goals and policies that promote housing in and adjacent to the downtown to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages "the development of projects that combine and locate residential uses near areas of employment and services." This project provides housing as well as commercial space in the downtown and is, therefore, consistent with this goal.

VIII. FINDINGS

The Planning Commission finds the following:

A. LOT AREA MODIFICATION (SBMC §28.21.080)

The lot area modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on a lot and to construct a mixed-use development that provides affordable residential units for moderate-income households.

B. TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the Land Use Element and zoning designation for the site, and the vision for this neighborhood in the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

C. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. *The project complies with all provisions of the City's Condominium Ordinance.*

The project complies with the density requirements and each unit includes adequate covered parking with storage, laundry facilities, separate utility metering, adequate unit size and required private outdoor living space.

2. *The proposed development is consistent with the General Plan of the City of Santa Barbara.*

The project is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Noise Element and Circulation Element. The proposed development is consistent with the principles of sound community

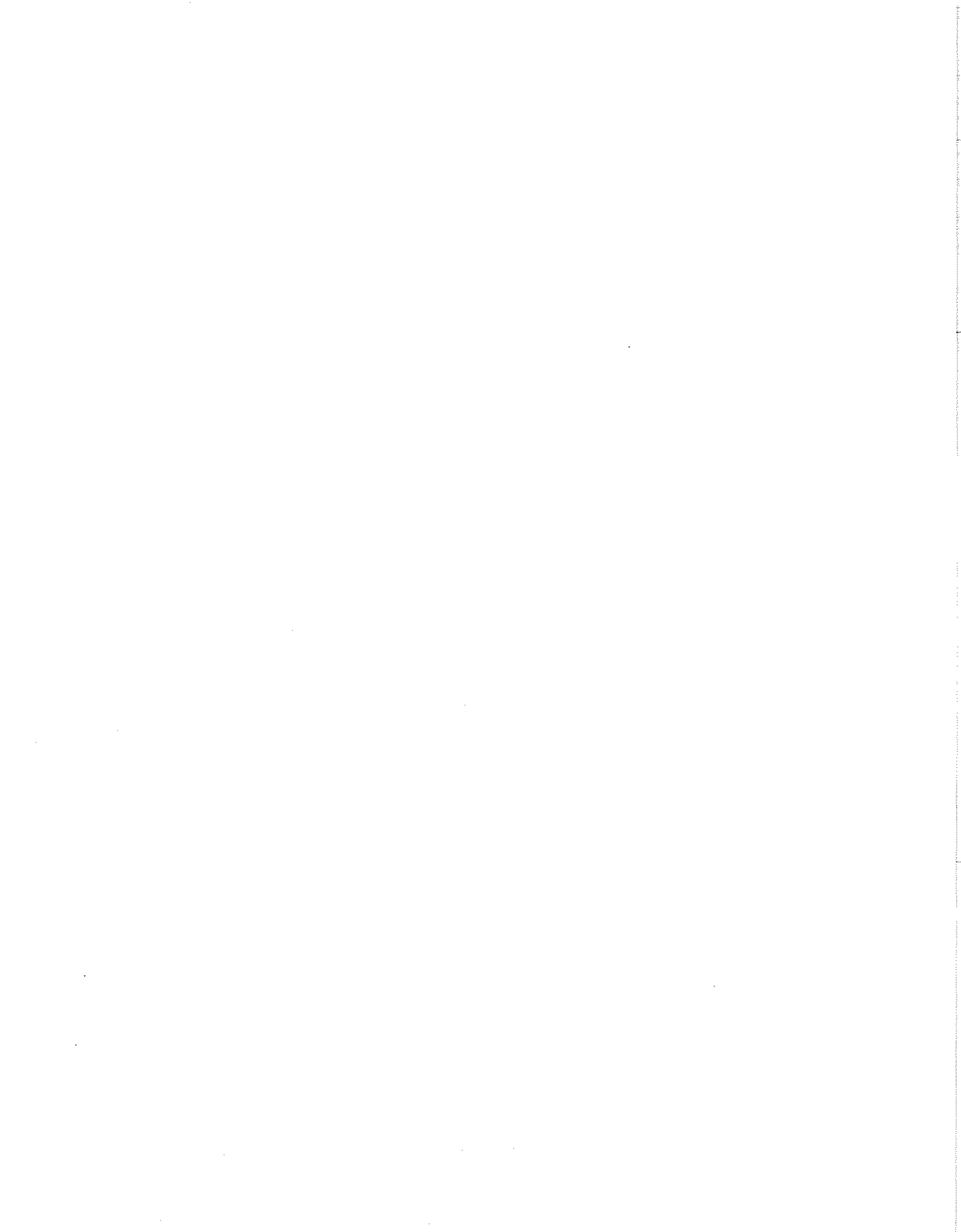
planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources. The project will provide infill residential and commercial development in the Downtown that is compatible with the surrounding neighborhood.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill mixed-use project proposed in an area where residential and commercial uses are permitted. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. Adequate park facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire, and schools. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

Exhibits:

- A. Conditions of Approval
- B. Site plan and floor plans
- C. Applicant's letter dated April 13, 2006
- D. HLC Minutes
- E. Summary of California State Density Bonus Law





City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 043-06

113-117 W. DE LA GUERRA STREET

MODIFICATIONS, TENTATIVE SUBDIVISION MAP

OCTOBER 19, 2006

APPLICATION OF PEIKERT GROUP ARCHITECTS, AGENT FOR JOHN R. DEWILDE, 113-117 W. DE LA GUERRA STREET, APN 037-082-003, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND RESIDENTIAL, TWELVE UNITS/ACRE (MST2005-00126)

The proposed project consists of the demolition of the existing buildings onsite (except for the front façade of 115 W. De la Guerra Street) and the construction of a mixed-use building, composed of a 2,027 square foot (net) commercial condominium unit and nine residential condominium units. The proposed mix of units consists of six (6) two-bedroom market rate units, one (1) three-bedroom market rate unit, one (1) two-bedroom moderate income affordable unit and one (1) three-bedroom moderate income affordable unit. Six of the nine residential units would have 120 square feet of attached commercial space. The project includes a request for two additional residential units pursuant to State Density Bonus law. A parking garage with twenty parking spaces is proposed on the first floor.

The discretionary applications required for this project are:

1. A Modification of the lot area requirement to allow one of the moderate income affordable units (Unit #6) and one of the market rate units (Unit #9) to have three bedrooms instead of two bedrooms (SBMC§28.21.080.G); and
2. A Tentative Subdivision Map for a one-lot subdivision to create nine residential condominium units and one commercial condominium unit (SBMC Chapters 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (infill development project).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 12, 2006
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. Lot Area Modification (SBMC§28.21.080)

The lot area modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on a lot and to construct a mixed-use development that provides affordable residential units for moderate-income households.

B. Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the Land Use Element and zoning designation for the site, and the vision for this neighborhood in the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

C. New Condominium Development (SBMC §27.13.080)

1. *The project complies with all provisions of the City's Condominium Ordinance.*

The project complies with the density requirements and each unit includes adequate covered parking with storage, laundry facilities, separate utility metering, adequate unit size and required private outdoor living space.

2. *The proposed development is consistent with the General Plan of the City of Santa Barbara.*

The project is consistent with policies of the City's General Plan including the Land Use Element, Housing Element, Conservation Element, Noise Element and Circulation Element. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources. The project will provide infill residential and commercial development in the Downtown that is compatible with the surrounding neighborhood.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill mixed-use project proposed in an area where residential and commercial uses are permitted. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. Adequate park facilities exist nearby, and the project would not adversely impact other community resources, such as water, sewer, police, fire, and schools. The design has been reviewed by the City's design review board, which found

the architecture and site design appropriate.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property" which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats or trailers shall be stored on the Real Property.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
4. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 5 and 6 on the Tentative Subdivision Map shall be designated as Affordable Moderate Income Units with prices targeted to 110% of Area Median Income and sold only to and occupied only by households who qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Unit No. 5 (2-bedroom unit) = \$215,200

Unit No. 6 (3-bedroom unit) = \$241,000

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

5. **Approved Development.** The development of the Real Property approved by the Planning Commission on October 19, 2006 is limited to the construction of a three and four-story, mixed-use building, composed of a 2,027 square foot (net)

commercial condominium unit and nine residential condominium units (consisting of six (6) two-bedroom market rate units, one (1) three-bedroom market rate unit, one (1) two-bedroom moderate income affordable unit and one (1) three-bedroom moderate income affordable unit), with six of the nine residential units having 120 square feet of attached commercial space, a twenty space parking garage and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - e. **Live-Work Units.** Interior connections to live-work units are prohibited and areas designated for commercial use shall not be used for residential purposes.
 - f. **Gate to Second Floor.** The gate to the second floor shall remain open during business hours.
 - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
7. **Street Tree Protection.** The street trees within the City right of way shall be preserved and protected.
8. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights or

cobra head fixtures shall be allowed. Exterior lighting shall be shielded and directed toward the ground.

9. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain the drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official and/or the Public Works Director.
- B. **Design Review.** The following is subject to the review and approval of the Historic Landmarks Commission (HLC):
1. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 2. **Building Height.** Building height shall not exceed 46 feet, 6 inches in height,
 3. **Plate Height.** Plate height of the front portion of the second floor shall be reduced to 8 feet.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map for the project:
1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
 3. **Off-Site Public Street Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on De La Guerra Street. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: reconstruct sidewalk along property frontage, 12 foot wide commercial driveway, crack seal to the centerline of the street along entire subject property frontage, underground service utilities, connection to City/private water and sewer mains, public drainage improvements with supporting drainage calculations with appropriate drainage easement, and/or reset survey monuments and contractor stamps, and provide adequate positive drainage from site. Any work in the public right of way requires a public works permit.

4. **Required Private Covenants.** The Owner shall submit a copy of the recorded private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 5. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 6. **Encroachment Permit.** Encroachment permit for the existing, non-conforming overhang of the historic façade located within the right of way along W. De la Guerra Street.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
 3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing filters, etc.) for the operation and use of the storm drain system. The Plan shall be approved by the Creeks Division, Building and Safety Division, and the Public Works Department.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
1. **Santa Barbara County Fire Department, Protective Services Division, Compliance.** Evidence of full compliance with the requirements of the Santa Barbara County Fire Department, Protective Services Division, regarding onsite soil contamination.
 2. **Photographic Documentation.** As recommended in the Historic Structures/Sites Report prepared by Alexandra C. Cole, dated March 2005, the 113-115 W. De la Guerra Street building shall be documented according to the City's "Required Documentation of Buildings Prior to Demolition" requirements.
 3. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the

project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

4. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
5. **Archaeological Monitoring Contract.** Submit to the Planning Division a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting, dated May 2006. The contract shall be subject to the review and approval of the Planning Division.

The archaeologist's monitoring contract shall include the following provisions: If cultural resources are encountered or suspected, work shall be halted or redirected by the archaeologist immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, preparation of further site studies and/or mitigation.

If the discovery consists of possible human remains, the Owner shall contact the Santa Barbara County Coroner immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. The Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, the Owner shall retain a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find.

Work in the area may only proceed after the Planning Division grants authorization.

6. **Recorded Affordability Control Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as units number Five and Six on the Tentative Subdivision Map shall be designated as Moderate Income Affordable Units and sold only to and occupied only by households who qualify as Moderate Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Unit No. 5 (2-bedroom unit) = \$215,200
Unit No. 6 (3-bedroom unit) = \$241,000
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale price of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least forty-five (45) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
7. **Final Planning Commission Resolution Submittal.** The final Planning Commission Resolution shall be submitted, indicating how each condition is met with drawing sheet and/or note references to verify condition compliance. If the condition relates to a document submittal, describe the status of the submittal (e.g., Final Map submitted to Public Works Department for review), and attach documents as appropriate.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.
 2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological

resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
4. **Commercial Dumpsters.** Commercial dumpsters shall be provided, including an equal area for recycling containers. Dumpsters shall not be placed within five feet (5') of combustible walls, openings or combustible roof eaves lines unless sprinkler coverage is provided.
5. **Water-Conserving Fixtures.** All plumbing fixtures shall be water-conserving devices in new construction, subject to the approval of the Water Resources Management Staff.
6. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of containers for collection of demolition/construction materials.
2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
3. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Public Works Director.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Public Works Director.
5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday.....	3 rd Monday in January
Presidents' Day.....	3 rd Monday in February
Memorial Day.....	Last Monday in May
Independence Day	July 4 th *
Labor Day.....	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 - b. Storage of construction materials and equipment within the public right-of-way is prohibited. Staging is permitted only to the extent allowed by the approved Traffic Control Plan accepted by the City Transportation Engineer.
7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
 9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 10. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
 11. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 12. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 13. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
 14. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 15. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements caused by construction for curbs, gutters, sidewalks, etc., subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Complete public improvements, as shown in the improvement/building plans, including utility undergrounding and installation of street trees.

3. **Backflow Device.** Provide an approved backflow device placed on the property side of consumer's service pursuant to Santa Barbara Municipal Code Section 14.20.120.
4. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy, whichever is earlier.
6. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF MODIFICATION AND TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

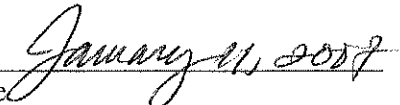
This motion was passed and adopted on the 19th day of October, 2006 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, Mahan)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Kathleen Goo, Alternate Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.